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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/460,089	12/14/1999	SHMUEL SHAFFER	M-7917-US	1994
33031 7590 01/04/2007 CAMPBELL STEPHENSON ASCOLESE, LLP 4807 SPICEWOOD SPRINGS RD. BLDG. 4, SUITE 201 AUSTIN, TX 78759			EXAMINER ZIA, SYED	
			ART UNIT 2131	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/04/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

09/460,089

Applicant(s)

SHAFFER ET AL.

Examiner

Syed Zia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 3-11, 13- 30, 33-37, 39-45, 48-52, and 54-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,8-11,13,15,16,18-26,30,33-37,39-41,45,48-52 and 54-56 is/are rejected.
- 7) ☐ Claim(s) 4,7,14,17,27-29 and 42-44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to request for consideration, and amendment filed on September 18, 2006. Original application contained Claims 1-56. Applicant previously cancelled Claims 2, 12, and 31, 32, 38, 46, 47, and 53. Applicant previously amended Claim 1, 3-11, 13-21, 24-30, 32-37, 39-46, 48-52, and 54. Applicant currently amended Claims 21-23, and 54-56. The amendment filed have been entered and made of record. Presently pending claims are 1, 3-11, 13- 30, 33-37, 39-45, 48-52, and 54-56.

### ***Response to Arguments***

2. Applicant's arguments filed on September 18, 2006 regarding previous art rejection have been fully considered but they are not persuasive because of the following reasons:

3. Regarding Claims rejection under 35 U.S.C. 101, applicant argued that a "signal bearing medium" is a physical, tangible, medium and is not merely a form of energy. Examples of such

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physical, tangible, signal bearing media are provided in the Specification, for example on pp 16-17.

This is not found persuasive. On pp 16-17 of specification this was disclosed that example of recordable medium are but not limited to: signal bearing medium which can be transmission type media such as digital and analogue communication links using either synchronous or asynchronous communication. Therefore, signal bearing medium is not tangible, hence directed to non-statutory subject matter.

4. Regarding Claim 1, 3-11, 13- 30, 33-37, 39-45, 48-52, and 54-56 applicant argued that Yunoki (U. S. Patent 5,408,518) does not teach or fails to describe, "*persistent invitation, activation token, non-persistent invitation, extending the persistent invitation*". Applicant also argued that the system of Yunoki does not teach or suggest, "*Yunoki message is received at an initially unavailable station client*".

This is not found persuasive. Yunoki clearly teaches the teleconference system where a user can obtain the teleconference data by specifying a teleconference ID (i.e. token). This operation enables the teleconference status confirmer in the teleconference to execute the process for allowing any of the teleconference participants to obtain pertinent teleconference data and status confirmation (persistently or non-persistently) to extend conference capabilities (i.e. to unavailable station) of an ongoing conference call (col.5 line 28 to col.6 line 5, and col.6 line 61 to col.7 line 47).

Therefore, the examiner asserts that Yunoki does teach or suggest the subject matter recited in independent Claims 1, 11, 24, 39, and subsequent dependent claims. Accordingly,

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rejections for Claims 1, 3, 5-6, 8-11, 13, 15-16, 18-26, 30, 33-37, 39-41, 45, 48-52, and 54-56 are respectfully maintained.

***Allowable Subject Matter***

Claims 4,7, 14, 17, 27-29, and 42-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21-23, and 54-56 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Signal bearing transmission media is a form of energy, such as air waves, and instruction are not necessarily in executable form to accomplish practical application because it lacks storage medium which enables any underlying functionality to occur, therefore, directed to non-statutory subject matter.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5-6, 8-11, 13, 15-16, 18-26, 30, 33-37, 39-41, 45, 48-52, and 54-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Yunoki. U. S. Patent 5,408,518.

3. Regarding claims 1 and 11 Yunoki teaches and describes a system and method, comprising:

- extending a persistent invitation to a first network station client to join an ongoing a conference call in response to a determination that the first network station client is unavailable to accept a non-persistent invitation to join the ongoing conference call, wherein said extending is performed after the ongoing conference call has begun and comprises, issuing a token to the first network station client (Fig.1, col. 4 line 30 to line 61, col.5 line 28 to col.6 line 5, and col.6 line 61 to col.7 line 47);

- detecting an activation of said token by said first network station client; and

- adding the first network station client to the ongoing conference call in response to said detecting. (Fig.1, col. 2 line 15 to line 48, and col. 4 line 38 to col. 6 line 25).

4. Regarding claims 24 and 39 Yunoki teaches and describes a system and method, comprising:

- receiving at an initially unavailable network station client a persistent invitation to join a ongoing conference call wherein said receiving occurs after the ongoing conference call has begun and comprises, receiving a token indicative of said persistent invitation to join the ongoing

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conference call at said initially unavailable network station client (Fig.1, col. 2 line 16 to line 25, and col. 5 line 13 to col.6 line 5);

- and activating the token in response to user input to a network station client selected from the group comprising the initially unavailable network station client and another network station client; and adding the network station client to the ongoing conference call in response to said activating (Fig.1, col.3 line 40 to line 57, and col. 5 line 61 to col. 6 line 25, col.7 line 1 to line 60).

5. Regarding claims 21 and 54 Yunoki teaches and describes a system and method, comprising: a computer-readable medium comprising: a signal bearing medium; and software code encoded on said signal bearing medium (col.7 line 1 to line 33) and configured to implement each of: extending a persistent invitation to a first network station client to join an ongoing conference call in response to a determination that the first network station client is unavailable to accept a non-persistent invitation to join the ongoing conference call, wherein said extending is performed after the ongoing conference call has begun and comprises issuing a token to the first network station client (Fig.1, col. 4 line 30 to line 61, col.5 line 28 to col.6 line 5, and col.6 line 61 to col.7 line 47), detecting an activation of said token by said first network station client, and adding the first network station client to the ongoing conference call in response to said detecting (Fig.1, col. 2 line 15 to line 48, and col. 4 line 38 to col. 6 line 25).

5. Claims 3,5, 7-8, 13-15, 17-18, 25, 29, 36, 40, 44, 51 and 54 are rejected applied as above in rejecting claims 1, 11, 24, and 39. Furthermore, Yunoki teaches and describes a system and

5. Claims 3,5, 8, 13,15, 18, 25, 36, 40, and 51 are rejected applied as above in rejecting claims 1, 11, 24, and 39. Furthermore, Yunoki teaches and describes a system and method extending a persistent invitation to a first network station client to join a conference call in response to a determination that the first network station client is unavailable to accept a non-persistent invitation to join the conference, wherein:

- receiving a message indicating that the first network station client is busy (col. 3 line 6 to line 29);

- at least one field selected from the group comprising a token ID field, a conference ID field, a password field, an expiration time field, and a conference call participant information field (Fig. 5, col. 14 line 35 to col. 16 line 67);

- withdrawing the persistent invitation upon termination of the conference call wherein said withdrawing comprises releasing said token at said first network station client (col.22 line 53 to line 59);

- at least one field selected from the group comprising a token ID field, a conference ID field, a password field, an expiration time field, and a conference call participant information field (Fig. 5, col. 14 line 35 to col. 16 line 67);

- accepting user input indicating that the persistent invitation to join the ongoing conference call has been accepted; and transmitting said token to a multipoint controller as an indication that the persistent invitation to join the ongoing conference call has been accepted (Fig. 6, col. 17 line 36 to col. 18 line 54);



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- withdrawing an ability to activate the token in response to a notification that the conference call has terminated (col. 22 line 53 to line 59).

6. Claims 6, 9, 16, 19, 26, 30, 33, 37, 43, 45, 48, 52, and 55-56 are rejected applied as above in rejecting claims 5, 8, 15, 18, 25, 29, 36, 40, 44, 51 and 54. Furthermore, Yunoki teaches and describes a system and method of registering the participants; a function of automatically notifying an invitation to, a cancellation of, an absence from and a status confirmation of a teleconference, and a function of automatically holding a teleconference by calling up the participants for an online connection at a specified time on a designated date; wherein:

- a reference used to retrieve state data where such state data functions as at least one field selected from the group comprising a token ID field, a conference ID field, a password field, an expiration time field, and a conference call participant information field (Fig. 5, col. 14 line 35 to col. 16 line 67);

- notifying the first network station client that the conference call has been terminated, and said releasing comprises releasing said token at said first network station client in response to said notifying (col. 22 line 53 to line 59);

- signal bearing media bearing said means for extending said means for detecting, said means for adding, and said means for withdrawing (col. 7 line 1 to line 33);

- receiving a reference used to retrieve state data where such state data functions as at least one field selected from the group comprising a token ID field, a conference ID field, a password field, an expiration time field, and a conference call participant information field (col. 5 line 48 to col. 6 line 9);

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- identification of a transmitting user as a valid participant in the ongoing conference call (col.7 line 15 to line 34);
- said transmitting comprises retrieving the token from a cache (col. 7 line 34 to line 47);
- withdrawing comprises: withdrawing a presented notice that the persistent invitation to join the conference call has been extended (col. 22 line 4 to line 10);
- signal bearing media further includes: recordable media; and transmission media (col.2 line 26 to line 32).

7. Claims 10, 20, 22-23, 34-35, and 49-50 are rejected applied as above in rejecting claims 9, 19, 21, 33, and 48. Furthermore, Yunoki teaches and describes a system and method of teleconferencing, wherein:

- said notifying comprises: notifying the first network station client that the conference call has been terminated using multipoint controller (col. 18 line 38 to line 51, and col. 22 line 4 to line 10);
- said signal bearing media further comprises: recordable media (col. 2 line 26 to line 32); and withdrawing the persistent invitation upon termination of the conference call wherein said withdrawing comprises releasing said token at said first network station client (col. 22 line 4 to line 10);
- said retrieving comprises: retrieving the token from a cache local to an invited network station client; and retrieving the token from a cache local to a network server (col. 7 line 34 to line 47)

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- said signal bearing media further comprises: recordable media and transmission media  
(col. 2 line 26 to line 32).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SZ

December 12, 2006

*Syed Zia*  
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PRIMARY EXAMINER  
AM 2/3/07